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REMARKS

This is a full and timely response to the final Official Action mailed March 1, 2007 (the "final Office Action" or the "Office Action"). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Request for Continued Examination:

Applicant hereby requests Continued Examination for this application and entry and consideration of this amendment consequent thereto.

Claim Status:

Claims 1-11, 44-60 and 66-68 were withdrawn from consideration under the imposition of a previous Restriction Requirement and cancelled without prejudice or disclaimer.

By the present amendment, claims 12, 27 and 71 have been amended. No new claims have been added. Claims 69 and 70 have been cancelled without prejudice or disclaimer. Thus, claims 12-43, 61-65 and 71 are currently pending for further action.

Prior Art:

The sole issue raised in the recent Office Action was a rejection of all pending claims as anticipated under 35 U.S.C. § 102(e) by U.S. Patent App. Pub. No. 2004/0023096 to Pratt et al. ("Pratt"). For at least the following reasons, this rejection is respectfully traversed.

Independent claim 12 recites:

A fuel cell assembly, comprising:  
a fuel cell having an anode, a cathode, and an electrolyte; and  
an integral fuel cartridge and air filter apparatus having

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a fuel cartridge,  
a filter housing coupled to said fuel cartridge, and  
an air filter for cleaning air being supplied to said cathode, said air filter being coupled to said filter housing;  
wherein said integral fuel cartridge and filter apparatus is removably coupled to said fuel cell; and

*wherein said fuel cartridge and air filter are integrated such that said fuel cartridge and air filter can be simultaneously removed from or installed in said assembly as a single unit.*

(Emphasis added).

Independent claim 27 recites:

An electronic apparatus, comprising:  
a power consuming device;  
a fuel cell system providing power to said power consuming device; said fuel cell system having a fuel cell having an anode, a cathode, and an electrolyte;  
an integral fuel cartridge and air filter apparatus having a fuel cartridge, a filter housing coupled to said fuel cartridge, and an air filter for cleaning air being supplied to said cathode, said air filter being coupled to said filter housing; and  
wherein said integral fuel cartridge and filter apparatus is removably coupled to said fuel cell; and  
*wherein said integral fuel cartridge and air filter are integrated such that said fuel cartridge and air filter can be simultaneously coupled with or uncoupled from said fuel cell as a single unit.*

(Emphasis added).

Independent claim 71 recites:

A fuel cell assembly, comprising:  
a fuel cell having an anode, a cathode, and an electrolyte; and  
an integral fuel cartridge and air filter apparatus having  
a fuel cartridge containing a supply of fuel for said anode, and  
an air filter, coupled to said fuel cartridge, for cleaning air being supplied to said cathode;  
wherein said integral fuel cartridge and filter apparatus is removably coupled to said fuel cell; and  
*wherein said integral fuel cartridge and air filter are integrated such that said fuel cartridge and air filter can be simultaneously coupled with or uncoupled from said fuel cell as a single unit.*

(Emphasis added).

The amendment to claim 12 is the incorporation of the recitations of cancelled claim 69 into claim 12. The amendment to claim 27 is the incorporation of the recitations of cancelled claim 70 into claim 27. Additional support for the amendments to claims 12, 27 and 71 can

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be found in Applicant's originally filed specification at, for example, paragraphs 0027 and 0039.

In contrast, Pratt fails to teach or suggest the subject matter of any of claims 12, 27 or 71. Specifically, Pratt fails to teach or suggest the claimed integral fuel cartridge and air filter that "are removably coupled to [a] fuel cell" and that "are integrated such that said fuel cartridge and air filter can be simultaneously coupled with or uncoupled from said fuel cell as a single unit." To the contrary, Pratt teaches away from this subject matter.

According to Pratt, as shown in Pratt's Fig. 1, an air filter (160) and a fuel container (150) are disposed on opposite sides of a fuel cell (140). The air filter (160) and fuel container (150) are not integrated and cannot be "simultaneously coupled with or uncoupled from said fuel cell as a single unit" as claimed. To the contrary, the fuel container (150) is integrated into the fuel cell housing (101) and cannot be "removably coupled to said fuel cell" as claimed. Similarly, the filter assembly (160) is integrated into the fuel cell housing (101) and cannot be "removably coupled to said fuel cell" as claimed. Thus, Pratt not only fails to teach, but teaches away from, the subject matter of claims 12, 27 and 71.

Specifically, Pratt fails to teach or suggest the claimed "integral fuel cartridge and filter apparatus is *removably* coupled to said fuel cell." (Emphasis added). Pratt further fails to teach or suggest the claimed integral fuel cartridge and air filter that "are integrated such that said fuel cartridge and air filter can be simultaneously coupled with or uncoupled from said fuel cell as a single unit."

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least these reasons, the rejection

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based on Pratt of claims 12, 27 and 71, and their respective dependent claims, should be reconsidered and withdrawn.

Independent claim 61 recites:

A fuel cell system, comprising:  
a fuel cell having an anode, a cathode, and an electrolyte;  
means for delivering fuel to said anode;  
means for filtering an oxidant delivered to said cathode; and  
*means for simultaneously coupling said fuel delivery means and said filtering means to said fuel cell.*  
(Emphasis added).

As demonstrated above, Pratt fails to teach or suggest "means for simultaneously coupling said fuel delivery means and said filtering means to said fuel cell." Again, "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection based on Pratt of claim 61 and its dependent claims should be reconsidered and withdrawn.

The various dependent claims of the application recite additional subject matter that is further patentable over the teachings of Pratt. Specific, non-exclusive examples are given below.

Claim 15 recites "wherein said filter housing is coupled directly to a distal end of said fuel cartridge." Claim 30 recites similar subject matter.

In contrast, as shown in Fig. 1 of Pratt, the filter (160) is not directly coupled to the distal end of a fuel reservoir (150). Rather, the filter (160) and fuel reservoir (150) are

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separated by, and disposed on opposite sides of, the fuel cell membrane assembly (140). Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 15 and 30.

Claim 16 recites "wherein said filter housing is coupled to a distal end of said fuel cartridge, and wherein a proximal end of said fuel cartridge comprises a fuel outlet." Claim 31 recites similar subject matter.

In contrast, Pratt does not teach or suggest a fuel outlet at a proximal end of a fuel cartridge and a filter housing coupled to an opposite, distal end of the fuel cartridge. Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 16 and 31.

Claim 17 recites "wherein said filter housing is coupled to distal and proximal ends of said fuel cartridge and said filter at least partially surrounds said fuel cartridge between said distal and proximal ends." Claim 32 recites similar subject matter.

In contrast, as shown in Fig. 1, Pratt clearly does not teach or suggest any of this subject matter. Pratt does not teach or suggest a filter that at least partially surrounds a fuel cartridge between its distal and proximal ends. Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 17 and 32.

Claim 18 recites "wherein said filter housing further comprises spacing ribs extending at least partially between said distal and proximal ends." Claim 33 recites similar subject matter.

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In contrast, Pratt does not teach or suggest this subject matter. Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 18 and 33.

Claim 19 recites "a handle coupled to a distal end of said fuel cartridge." Claim 34 recites similar subject matter.

In contrast, Pratt does not teach or suggest this subject matter. Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 19 and 34.

Claim 23 recites "a pre-filter in fluid communication with said filter and with said fuel cell." Claim 39 recites similar subject matter. Claim 24 depends from claim 23 and recites "wherein said pre-filter is in fluid communication with said filter and said pre-filter is in direct fluid communication with a heat removing system of said fuel cell." Claim 43 depends from claim 39 and recites similar subject matter.

In contrast, Pratt does not teach or suggest the claimed pre-filter that is in direct fluid communication with a heat removing system of the fuel cell. Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 24 and 43.

Claim 25 recites "wherein said filter housing is coupled to a top portion of said fuel cartridge and is configured to engage latching tabs disposed on a housing of said fuel cell." Claim 40 recites similar subject matter.

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In contrast, Pratt does not teach or suggest this subject matter. Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 25 and 40.

Claim 26 recites "a filter gasket disposed between said filter housing and said fuel cell housing and a fuel gasket disposed between said fuel cartridge and said fuel cell housing." Claim 41 recites similar subject matter.

In contrast, Pratt does not teach or suggest this subject matter. Moreover, the recent final Office Action fails to indicate how or where Pratt teaches this subject matter of claims 26 and 41.

For at least these additional reasons, the dependent claims referenced above are clearly patentable over the teachings of Pratt. Thus, the rejection of these claims based on Pratt should be reconsidered and withdrawn.

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Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

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